

**Plaintiff's objections to Defendants'
Deposition Designations
EXHIBIT B**

Objections to Defense Designations:

Deponent: _____**Frank Berklacich, MD**_____

Deposition Date: _____**6/7/2007**_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
14:21	15:1	X		403; speculation, vague; hearsay
15:2	15:8	X		402; 403; hearsay
19:6	19:15	X		Assumes facts; misquotes deponent; 403
42:10	42:13	X		speculation

Objections to Defense Designations:

Deponent: Wayne Biggs

Deposition Date: 2/8/2008

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
21:8	22:2	X		Double hearsay; assumes facts, 403
24:3	24:21	X		Speculation
24:22	26:12	X		Irrelevant
27:14	28:2	X		Vague, speculation
52:7	54:5	X		Hearsay; irrelevant
55:11	57:21	X		Speculation, hearsay
57:22	59:6	X		Speculation
73:7	74:6	X		Speculation

Objections to Defense Designations:

Deponent: Wes Carnahan

Deposition Date: 10/23/07

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
11:19	13:3	X		Irrelevant or 403
13:21	14:7	X		Assumes facts; calls for speculation
26:15	26:23	X		Irrelevant or 403
29:3	30:12	X		Irrelevant or 403
32:19	32:22	X		Irrelevant or 403
33:22	34:7	X		Hearsay, Vague
34:13	35:5	X		Irrelevant or 403
43:3	47:6	X		Irrelevant, speculation, hearsay
47:7	48:5	X		Assumes facts, speculation hearsay
48:20	48:25	X		Hearsay
65:11	66:2	X		Irrelevant or 403
70:24	71:5	X		Irrelevant or 403
73:8	73:15	X		Irrelevant or 403

Objections to Defense Designations:

Deponent: _____James Cato, M.D._____

Deposition Date: _____6/29/07_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
9:15	11:12	X		Irrelevant

Objections to Defense Designations:

Deponent: _____Drew Charlton_____

Deposition Date: _____10/3/07_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
15:9	15:16	X		Speculation
21:18	22:3	X		Speculation
25:1	25:9	X		Speculation; irrelevant

Objections to Defense Designations:

Deponent: Manfred Hauben

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
124:8	124:22	X		Non responsive
126:23	128:18	X		Non responsive
296:17	297:1	X		Non responsive, speculation
325:22	326:1	X		hearsay
348:5	348:16	X		Speculation
349:2	349:14	X		Speculation, calls for expert testimony (regulatory / labeling)
452:11	453:1	X		Non responsive
525:8	525:17	X		Non responsive
530:24	531:4	X		hearsay
531:9	531:22	X		hearsay
549:22	550:11	X		Calls for expert testimony, lack of foundation

Objections to Defense Designations:

Deponent: _____ **Buford Hoskins** _____

Deposition Date: _____ **10/24/07** _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
43:21	44:8	X		Speculation; irrelevant
47:24	48:24	X		Speculation; irrelevant

Objections to Defense Designations:

Deponent: Sherri Hoskins

Deposition Date: 10/24/07

[illegible]

Objections to Defense Designations:

Deponent: _____Lloyd Knapp_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
June 28, 07				
711 : 4	713 :25	X		Leading
715 : 4	715 : 9	X		Speculation

Objections to Defense Designations:

Deponent: _____Arnold Lawson_____

Deposition Date: _____10/4/07_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
7:23	7:23	X		Irrelevant
9:13	9:16	X		Irrelevant

Objections to Defense Designations:

Deponent: _____ Gayle Lawson _____

Deposition Date: _____ 10/4/07 _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
17:2	17:11	X		Irrelevant
22:9	22:18	X		Speculative
25:6	25:15	X		Speculative
43:9	43:19	X		Speculative
46:21	47:21	X		Speculative
56:25	58:1	X		Speculative
63:2	63:14	X		Speculative
71:15	71:18	X		Speculative
77:20	78:5	X		Irrelevant
84:15	85:2	X		Speculative
85:10	86:6	X		Speculative
87:13	87:16	X		Speculative
91:21	91:25	X		Speculative
92:2	92:21	X		Speculative
93:2	93:8	X		Speculative

Objections to Defense Designations:

Deponent: _____ Edward Mackey, M.D. _____

Deposition Date: _____ 5/23/07 _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
108:23	109:19	X		Hearsay; speculation

Objections to Defense Designations:

Deponent: _____ Paul McCombs, M.D. _____

Deposition Date: _____ 6/8/07 _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
6:15	6:20	X		Irrelevant
16:4	16:21	X		Irrelevant

Objections to Defense Designations:

Deponent: _____ **Cynthia McCormick** _____

Consistent with Plaintiff's motion in limine, ECF Doc #92, to exclude testimony of Defendant's expert Cynthia McCormick, Plaintiff's object to Defendants' submission of deposition designations relating to Cynthia McCormick, MD. Notwithstanding Plaintiff's objections, Plaintiff shall submit counter-designations as attached hereto.

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
106 : 21	107 : 17	X		Form – Leading, expert opinion by fact witness
108 : 13	109 : 6	X		Form – leading, improper expert opinion by fact witness
117 :1	117:20	X		Form – Ambiguous and compound: use of words “suggest or recommend”
128 :2	128 :21	X		Form – leading
129:4	129:14	X		Expert opinion by fact witness
129 : 15	130 : 17	X		Form – leading
132:18	132:22	X		hearsay
171 :3	171 : 11	X		Form – leading
172:7	172:11	X		Expert opinion by fact witness
175:24	176:17	X		Expert opinion by fact witness
182:12	182:19	X		Form - Leading and calls for speculation
190:8	190:19	X		Expert opinion by fact witness
192:9	192:11	X		Expert opinion by fact witness

Objections to Defense Designations:

Deponent: ___Dr Atul Pande_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/lines for completeness
14:9	15:19	X		He is not a designated expert and wrote no expert reports; this resume was superseded: Exhibit 1: hearsay, not relevant
603:14	632:17	X		Defense does not list Pande as an expert on any subject and did not submit a rule 26 report from him. During his deposition he repeatedly stated that he is not an expert. He has not treated patients in almost 20 years, has never prescribed Neurontin, and does not read patient records. At 612 he says he does not follow the literature and has no access to company documents. Even so, Ms. McGroder elicited expert opinions from him on topics that require Rule 26 disclosure, preparation, report, and a foundation for the opinion. This section (603 - 632) covers his opinion on what it means that doctors are still prescribing Neurontin (no experience or foundation); where doctors get their information to make prescribing decisions; the medicine's 'overall safety profile';
616:20		X		Exhibit 41: CV Hearsay, relevance, did not identify him as expert or provide rule 26 disclosures
624:21	632:17	X		Same objection; journal articles are not admissible, article not previously disclosed, and underlying research not reliable. He read a paper and received advice from a patent attorney to file the patent for neurontin for bipolar Exhibit 42; Hearsay, article, expert opinion, no Rule 26 disclosure, opinion unreliable rule 702 et seq
641:8	661:2	X		Same as above Hearsay, expert opinion about Parke Davis thought processes

646:20		X		Same as above, interprets the outcome of a hearsay study Exhibit 43; Hearsay, article, expert opinion, no Rule 26 disclosure, opinion unreliable rule 702 et seq
657:24		X		Same as above, interprets the outcome of a hearsay study Exhibit 44; Hearsay, article, expert opinion, no Rule 26 disclosure, opinion unreliable rule 702 et seq

Objections to Defense Designations:

Deponent: _____ Danny Satterfield _____

Deposition Date: _____ 2/7/08 _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
23:14	23:15	X		Irrelevant
46:24	47:9	X		Vague

Objections to Defense Designations:

Deponent: _____ Scott, Drusilla _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
609:14	609:22	X		Lack of Foundation, Calls for Speculation
613:6	614:11	X		Lack of foundation, calls for expert testimony
614:12	614:17	X		Lack of foundation, calls for expert testimony
614:18	615:5	X		Lack of foundation, calls for speculation, leading, calls for expert testimony.

Objections to Defense Designations:

Deponent: _____ **Cindy Smith-Charlton** _____

Deposition Date: ____ **10/3/07** _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
27:12	27:20	X		hearsay
69:3	69:18	X		Vague, ambiguous
118:4	119:2	X		Irrelevant; 403; assumes facts not in evidence
124:22	125:8	X		Argumentative
158:13	160:16	X		Irrelevant; 403
169:18	169:25	X		Irrelevant

Objections to Defense Designations:

Deponent: _____ **Ruth Smith** _____

Deposition Date: ____ **4/12/07** _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
5:9	5:17	X		Irrelevant or 403
6:11	6:20	X		403
54:7	54:16	X		403
64:5	64:5	X		Irrelevant
64:13	64:22	X		Vague
70:15	70:25	X		Vague
97:22	98:4	X		Misstates facts
111:9	111:14	X		Hearsay
135:5	135:20	X		Hearsay
136:14	137:25	X		Hearsay; 403; speculation

Objections to Defense Designations:

Deponent: _____ Stewart Stowers, M.D. _____

Deposition Date: _____ 6/28/07 _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
9:21	11:5	X		Irrelevant
50:13	50:19	X		Speculative

Objections to Defense Designations:

Deponent: _____ Charlie Taylor ____ 08/27/2009 _____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
7:22	9:14	x		Relevant, prejudicial
27:12	29:17	x		lacks foundation – as to micrograph – for entire exhibit's use
79:4	79:24	x		speculation, foundation
95:17	97:23	x		hearsay and lacks foundation
98:4	101:14	x		hearsay and lacks foundation
125:8	129:17	x		hearsay and lacks foundation
287:24	288:8	x		leading

Objections to Defense Designations:

Deponent: Janeth Turner

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
52:24	53:10	X		Foundation // No bases – FDA opinion
74:7	76:15		X	76:16- 77:6
97:20	97 :23	X		Leading // Calls for speculation
270:22	272:20	X		Non-Responsive
556:22	557:2	X		Foundation
567:17	568:25	X		Speculation // No foundation
570:24	571:13	X		Speculation
580:18	581:4	X		Speculation
586:2	587:17	X		Beyond direct -- leading

Objections to Defense Designations:

Deponent: _Chris Wood DDS_____

Deposition Date: __6/7/2007_____

Beginning Page : Line	Ending Page : Line	Objection	Completeness	Basis for Objection // Additional pg/line for completeness
46:18	47:9	X		Irrelevant
49:17	49:23	X		403; speculation; irrelevant; hearsay; argumentative